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## AMENDMENT TRANSMITTAL FORM

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



Customer No.: 23696  
Attorney Docket No.: 010032B1  
In Re Application of: ATTAR et al.  
Serial Number: 09/915,736  
Filed: July 26, 2001  
Examiner: Nghi H. Ly  
Group Art Unit: 2686

Dear Sir:

Transmitted herewith for filing is a Response to Office Action in the above identified application.

CLAIMS	(a) Number Remaining After Amendment	(b) Highest Number Previously Paid For	(c) Extra Claims	Large Entity Fee	Fee Paid
Total*	98	98	0	x \$50 =	\$0
Independent**	6	6	0	x \$200 =	\$0
Multiple Dependent Claim(s): <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				\$360	\$0
EXTENSION FEES		<input type="checkbox"/> One Month		\$120	\$0
		<input type="checkbox"/> Two Months		\$450	\$0
		<input type="checkbox"/> Three Months		\$1020	\$0
TERMINAL DISCLAIMER				\$130	\$130.00
			TOTAL FEE	\$130.00	

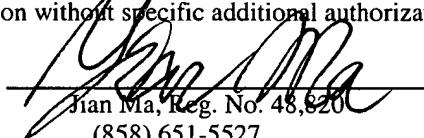
\*If the number in column a is less than 20, enter 0 in column c.

\*\*If the number in column a is less than 3, enter 0 in column c.

4.  Fee check in the amount of \$ \_\_\_\_\_ is enclosed to pay for any claim and/or extension fees.
5.  Please charge Deposit Account No. 17-0026 of QUALCOMM Incorporated the amount of \$130.00.  
The Commissioner is hereby authorized to charge payment of any additional fees that may be required, or credit any overpayment to said Deposit Account No. 17-0026. A duplicate of this sheet is enclosed for fee processing.
6.  The Commissioner is further hereby authorized to charge to said Deposit Account No. 17-0026, pursuant to 37 CFR 1.25(b), any fee whatsoever which may become properly due or payable, as set forth in 37 CFR 1.16 to 37 CFR 1.18 inclusive, for the entire pendency of this application without specific additional authorization.

Date: December 30, 2004

Signature:

  
 Jian Ma, Reg. No. 48,820  
 (858) 651-5527

QUALCOMM Incorporated  
Attn: Patent Department  
5775 Morehouse Drive  
San Diego, California 92121-1714  
Telephone: (858) 651-4125  
Facsimile: (858) 658-2502

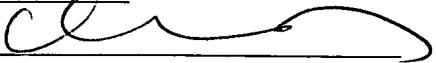
## CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

## MAILING

deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Depositor's Name: Karyn D. Lao  
(type or print name)

Date: December 30, 2004Signature: 

## FACSIMILE

transmitted by facsimile to the Patent and Trademark Office.

Depositor's Name: \_\_\_\_\_  
(type or print name)

Signature: \_\_\_\_\_



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application )  
No. 09/915,736 )  
For: METHOD AND APPARATUS  
ATTAR et al. ) FOR ADAPTIVE SERVER  
 ) SELECTION IN A DATA  
 ) COMMUNICATION SYSTEM  
Examiner: Nghi H. Ly )  
Filed: July 26, 2001 ) Group No. 2686

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION  
UNDER 37 CFR §1.321(c)**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Jian Ma, am the agent of record for this invention. The assignee, QUALCOMM Incorporated, is located at 5775 Morehouse Drive, San Diego, California 92121.

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**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))**

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(type or print name)

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**FACSIMILE**

transmitted by facsimile to the Patent and Trademark Office.

Depositor's Name: \_\_\_\_\_  
(type or print name)

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

01/04/2005 EABUBAK1 00000053 170026 09915736

01 FC:1814 130.00 DA

Attorney Docket No.: 010032B1  
Customer No.: 23696

## EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is the whole of this invention.

## RECORDAL OF ASSIGNMENT

The Assignment was recorded on September 19, 2001, Reel 012182 and Frame 0173.

## DISCLAIMER

In response to the Office Action dated July 9, 2004 and further to Applicants' Response to Office Action filed on September 8, 2004, Applicants file a terminal disclaimer to obviate the basis for rejecting claims 1-31.

Applicants also note that U.S. patent application no. 09/892,278 (which is discussed in the Remarks of Applicants' Response to Office Action filed on September 8, 2004) should be corrected to read 09/892,378 (now U.S. Patent No. 6,757,520).

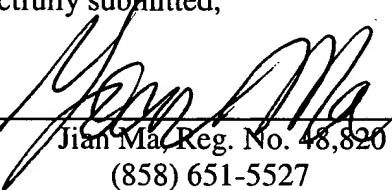
The terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154-156 and 173 of: United States Patent No. 6,757,520 is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,757,520, this agreement to run with any patent granted on the above identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the above identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154-156 and 173 of United States Patent No. 6,757,520, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321,

has all claims canceled by a reexamination certificate, is reissued in any manner or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The Commissioner is hereby authorized to charge payment of the Terminal Disclaimer Fee of \$130.00 under 37 CFR § 1.20(d) and any additional fees which may be required, or credit any overpayment, to Deposit Account No. 17 - 0026. A duplicate of this sheet is enclosed for charge purposes.

Respectfully submitted,

By: 

Jian Ma, Reg. No. 48,820  
(858) 651-5527

Dated: December 30, 2004

QUALCOMM Incorporated  
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San Diego, California 92121  
Telephone: (858) 651-4125  
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